

### **REMARKS/ARGUMENTS**

In response to the Office Action dated October 8, 2003, Claims 1-8 and 10-12 remain in this application. Claim 9 has been canceled.

Claims 1-12 were rejected under 35 USC 101 (double-patenting).

Claims 1-12 were rejected for obviousness-type double patenting.

Claims 9 is rejected under 35 USC 103(a).

#### **Claim Rejections - 35 U.S.C. § 101 - Double Patenting**

Claims 1-12 are provisionally rejected under 35 USC 101 as claiming the same invention as that of claims 1-20 of co-pending Application No. 09/775,173. The pending claims require that the pole-to-pole spacing be less than the distance of the magnet to the process location. For example, Claim 1 requires "said magnet defining opposite poles which are substantially closer together than said spacing of said magnet from said processing location." No such features are claimed in U.S. Patent Application Serial No. 09/775,173 as recently amended, and therefore this rejection is overcome.

#### **Claim Rejections - Obviousness-Type Double Patenting**

Claims 1-12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 09/775,173.

Applicants submit herewith a Terminal Disclaimer to obviate the double patenting rejection over co-pending Application No. 09/775,173.

**Claim Rejections - 35 U.S.C. § 103**

Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Yin et al. (U.S. Pat. No. 6,471,822).

Applicants hereby cancel Claim 9, and therefore this rejection is overcome.

**SUMMARY**

In view of the foregoing corrections and remarks, it is felt that the rejections of the claims under 35 USC 101, and 35 USC 103(a) have been overcome. Therefore, withdrawal of these rejections is respectfully requested and allowance of the application is earnestly solicited.

If, However, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, the Examiner should telephone Robert Wallace at (805) 644-4035 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



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